

## **RESOLUTION 2005-44**

### **A RESOLUTION CONCERNING GRANTING THE EXECUTIVE DIRECTOR AUTHORITY TO NEGOTIATE AND EXECUTE THE ORANGE COUNTY OPERATING AGENT CONTRACT**

The Indiana Gaming Commission (Commission) adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. Pursuant to IC 4-33-6-1, the Commission may enter into a contract under IC 4-33-6.5 with respect to the operation of one riverboat on behalf of the Commission in a historic hotel district.
2. Pursuant to IC 4-33-6.5, the Commission shall issue a request for proposals and award the contract. The Commission issued a request for proposals in April of 2005. The contract was conditionally awarded on June 23, 2005 to Blue Sky Casino, LLC.
3. Pursuant to IC 4-33-6.5-5, the operating agent contract must comply with IC 4-33 and must contain certain terms and conditions. Due to the detailed negotiation that will occur to determine the terms of the contract, it is impractical for the Commission to participate in the negotiation process. The Executive Director may negotiate the terms and execute the contract with the following directive issued by the Commission. The Executive Director must discuss the proposed contract with two Commissioners, specifically, the chair and vice-chair. Upon agreement of the Executive Director, the chair, and the vice chair, the Executive Director may execute the contract on behalf of the Commission. It shall be the responsibility of the Executive Director to advise the Commission when negotiations are complete and the contract is executed.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION,  
THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

#### **SECTION 1: SCOPE**

This resolution applies to the Indiana Gaming Commission and Blue Sky Casino, LLC.

#### **SECTION 2: DEFINITIONS**

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

### **SECTION 3: ACTION TAKEN ON GRANT OF AUTHORITY**

The Commission hereby;

#### **GRANTS**

---

(GRANTS OR DENIES)

to the Executive Director, the authority to negotiate the terms of the Orange County operating agent contract and execute the contract on behalf of the Commission, in accordance with the terms of this Resolution and the Order conditionally awarding the operating agent contract to Blue Sky Casino, LLC.

### **SECTION 5: EFFECTIVE DATE**

This resolution is effective immediately.

**ADOPTED THIS THE 23rd DAY OF JUNE 2005.**

THE INDIANA GAMING COMMISSION:

---

Harold Calloway, Chair

ATTEST:

---

Donald R. Vowels, Secretary